

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY THE HAGUE

INFO AMEMBASSY BONN

USMISSION USBERLIN

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

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E.O. 11652: N/A

TAGS:PFOR, WB, US, UK, UR, FR, UN, PO, CZ, UNESCO, IAEA,
WMO, GW

SUBJECT: REPLIES TO VARIOUS PROTESTS RELATING TO FRG
REPRESENTATION OF WEST BERLIN.

1. FOLLOWING IS THE TEXT OF A REPLY TO A NOTE CIRCULATED
BY THE GDR IN THE HAGUE CONFERENCE ON PRIVATE INTER-
NATIONAL LAW. THE NOTE PROTESTED THE REPRESENTATION OF
WEST BERLIN IN THE CONFERENCE BY THE FRG. REPLY TO GDR
NOTE WAS AGREED UPON IN CONSULTATIONS BY THE US, UK,
FRANCE AND FRG IN BONN GROUP. IT IS TO BE DELIVERED TO
THE HAGUE AS DEPOSITORY BY EACH OF THREE ALLIES (US, UK,
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FRANCE). BEGIN TEXT:

1. (OPENING PARAGRAPH REFERRING TO APPROPRIATE DOCUMENT.)

2. THE ABOVE NOTE FROM THE GOVERNMENT OF THE GDR REFERS TO THE QUADRIpartite AGREEMENT OF 3 SEPTEMBER 1971. THIS AGREEMENT WAS CONCLUDED IN BERLIN BY THE GOVERNMENTS OF THE FRENCH REPUBLIC, THE UNION OF THE SOVIET SOCIALIST REPUBLICS, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND OF THE UNITED STATES OF AMERICA.

CONSEQUENTLY THE GOVERNMENT OF THE GDR, NOT BEING A PARTY TO THE AGREEMENT, IS NOT COMPETENT TO MAKE AUTHORITATIVE COMMENT ON ITS PROVISIONS.

3. THE QUADRIpartite AGREEMENT DOES NOT IMPOSE ANY REQUIREMENT REGARDING TERMINOLOGY TO BE USED BY THE FEDERAL REPUBLIC OF GERMANY WHEN EXTENDING TO THE WESTERN SECTORS OF BERLIN TREATIES OR AGREEMENTS TO WHICH IT HAS BECOME A PARTY NOR, OF COURSE, DOES THE AGREEMENT AFFECT TERMINOLOGY USED IN THE PAST.

4. IN ANY CASE THE USE BY THE FEDERAL REPUBLIC OF GERMANY OF THE TERMINOLOGY MENTIONED IN THE NOTE UNDER REFERENCE CAN IN NO WAY AFFECT QUADRIpartite AGREEMENTS OR DECISIONS RELATING TO BERLIN.

5. CONSEQUENTLY THE VALIDITY OF THE BERLIN DECLARATION MADE BY THE FEDERAL REPUBLIC OF GERMANY IS UNAFFECTED BY THE USE OF THIS TERMINOLOGY.

6. THE GOVERNMENT OF (BLANK) DOES NOT CONSIDER IT NECESSARY NOR DOES IT INTEND TO RESPOND TO ANY FURTHER COMMUNICATIONS OF A SIMILAR NATURE BY STATES WHICH ARE NOT SIGNATORIES TO THE QUADRIpartite AGREEMENT. THIS SHOULD NOT BE TAKEN TO IMPLY ANY CHANGE IN THE POSITION OF THE GOVERNMENT IN THIS MATTER.

7. (APPROPRIATE FORM OF WORDS TO ACHIEVE SAME CIRCULATION AS DOCUMENT REFERRED TO ABOVE.)
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2. FOR YOUR INFORMATION, FOLLOWING IS TEXT OF AGREED REPLY TO BE DELIVERED BY FRG IN RESPONSE TO ABOVE NOTE.
BEGIN TEXT:

1. I HAVE THE HONOUR TO REFER TO THE FOLLOWING DOCUMENTS:
(THERE SHOULD FOLLOW LIST OF THE RELEVANT

CIRCULAR NOTES)

2. WITH REGARD TO THESE COMMUNICATIONS, THE
PERMANENT REPRESENTATIVE OF THE FEDERAL REPUBLIC OF GERMANY
HAS THE HONOUR TO COMMUNICATE THE FOLLOWING:
BY THEIR NOTES OF, DISSEMINATED BY CIRCULAR
NOTES OF, THE GOVERNMENTS OF FRANCE,
THE UNITED KINGDOM AND THE UNITED STATES ANSWERED THE

ASSERTIONS MADE IN THE COMMUNICATIONS REFERRED TO ABOVE.
THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY ON THE
BASIS OF THE LEGAL SITUATION SET OUT IN THE NOTES OF
THE THREE POWERS WISHES TO CONFIRM THAT THE APPLICATION
IN BERLIN(WEST) OF THE ABOVE MENTIONED CONVENTIONS
EXTENDED BY IT UNDER THE ESTABLISHED PROCEDURES CONTINUES
IN FULL FORCE AND EFFECT.

3. THE GOVERNMENT OF THE FEDERAL REPUBLIC OF
GERMANY WISHES TO POINT OUT THAT THE ABSENCE OF A
RESPONSE TO FURTHER COMMUNICATIONS OF A SIMILAR NATURE
SHOULD NOT BE TAKEN TO IMPLY ANY CHANGE OF ITS POSITION
IN THIS MATTER.

4. (APPROPRIATE FORM OF WORDS TO ACHIEVE SAME
DISTRIBUTION AS THE NOTES REFERRED TO ABOVE.)
END TEXT. INGERSOLL

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